

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

JOHNNY D. HELVEY,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-06-992-W
)	
MICHAEL J. ASTRUE, Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	

ORDER

On October 1, 2007, United States Magistrate Judge Shon T. Erwin issued his Findings and Recommendation in this matter, and he recommended that this Court reverse the decision of the defendant, Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying plaintiff Johnny D. Helvey disability insurance benefits. The parties were advised of their right to file an objection to the Findings and Recommendation, but neither party has objected within the allotted time.

Upon de novo review of the record, the Court concurs that reversal of the Commissioner's decision as well as remand of this matter for further proceedings is warranted for the reasons stated by Magistrate Judge Erwin.


Accordingly, the Court

- (1) ADOPTS the Findings and Recommendation issued on October 1, 2007;
- (2) REVERSES the decision of the Commissioner denying Helvey's Application for Disability Insurance Benefits;
- (3) REMANDS this matter to the Commissioner for further proceedings in accordance with Magistrate Judge Erwin's Findings and Recommendation, and in

particular, DIRECTS the administrative law judge upon remand to adequately develop the record and obtain the medical evidence underlying and supporting the disability rating of the Veterans Administration ("VA"), to consider and discuss such evidence and to state in detail her reasons for opining that the VA's disability rating in this case was "of little weight;" and

(4) ORDERS that judgment in accordance with this Order issue forthwith.

ENTERED this 24th day of October, 2007.

A handwritten signature in black ink, appearing to read "Lee R. West", written over a horizontal line.

LEE R. WEST
UNITED STATES DISTRICT JUDGE